



PATENT Attorney Docket No. 224491 Client Reference No.

Group Art Unit: 1654.

Examiner: Russel, Jeffrey

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Rahman et al.

Application No. 10/717,378

Filed: November 19, 2003

· For:

LIPOSOMAL FORMULATION OF

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INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

within any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

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In re Appln. of Rahman et al. Application No. 10/717,378

\boxtimes	37 CF	a), (b), (c) or (d) above, but before the mailing date of a final action under R 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that vise closes prosecution in the application, and includes <i>one</i> of:
		the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
	\boxtimes	the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
	under and or 37 CF	the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance 37 CFR 1.311, or an action that otherwise closes prosecution in the application, a or before payment of the issue fee, and includes the Statement under R 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as the in 37 CFR 1.17(p) (see "Fees" below).
	payme contai 37 CF \$180 a NOTE: May 29	the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before ent of the issue fee, and within thirty days of receiving each item of information ned in the Information Disclosure Statement, and includes the Statement under R 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of as set forth in 37 CFR 1.17(p) (see "Fees" below). This is for original applications except applications for a design patent, filed on or after 0, 2000, wherein a paper containing only an Information Disclosure Statement in compliance CFR 1.97 and 1.98 is being filed.
Copie	s of the	References
	Copie herew	s of all of the references listed on the enclosed Form 1449 are enclosed ith.
	Form	s of U.S. patents and patent applications that are listed on the accompanying 1449 are not enclosed herewith. Copies of other references identified on the apanying Form 1449 are enclosed herewith.
	releva an En action degree	need to each reference not in the English language is a concise explanation of the ince pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or glish-language abstract, or an English-language version of the search report or by a foreign patent office in a counterpart foreign application indicating the e of relevance found by the foreign office is being submitted in lieu of a concise nation of the relevance pursuant to 37 CFR 1.98(a)(3).
\boxtimes	A cop	y of the foreign search report is enclosed herewith.
	parent furnis submi	references listed on the enclosed Form 1449 were previously identified in the tapplication(s) of the present application, and copies of the references were hed at that time. Accordingly, additional copies of the references are not litted herewith, so as not to burden the file with duplicate copies of references. Examiner is respectfully requested to carefully review the references in dance with the requirements set out in the Manual of Patent Examining

In re Appln. of Rahman et al. Application No. 10/717,378

Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLI	CATIONS	S	TATUS (check o	one)
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.			-	
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Stater	nent under 37 CFR	1.97(e)		•	
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Staten	nent under 37 CFR	1.704(d)			
	Information Disclos office in a counterp any individual design	ereby states that each ite sure Statement was cited art application and that t gnated in 37 CFR 1.56(c) Disclosure Statement.	in a communi his communic	cation from a ation was not	foreign patent received by
Fees					
	No fee is owed by the Charge Deposit According (A duplicate copy of	he applicant(s). count No. 12-1216 in the f this communication is	e amount of \$1 enclosed for the	80.00 (37 CF nat purpose.)	R 1.17(p)).
Autho	orization to Charge	Additional Fees			
\boxtimes	If any additional fee Deposit Account N for that purpose.)	es are owed in connection of the connection of t	n with this core copy of this c	nmunication, communication	please charge on is enclosed

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Instructions as to Overpayment

Credit Account No. 12-1216.

Refund

M. Daniel Hefner, Reg. No. 41,826
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)

Date: July 7, 2005

CERTIFICATE OF MAILING

(312) 616-5700 (facsimile)

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 117 2005

IDS (Revised 10/21/04)

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Application Number 10/717,378

Filing Date November 19, 2003

First Named Inventor Rahman et al.

Group Art Unit 1654

Examiner Name Russel, Jeffrey

Attorney Docket Number 224491

& TRADES

Sheet 1 of

				U.S. PATENT DOCUMENTS		
		U.S. Patent Do	cument			
Examiner Initials	Doc. No.	Application or Patent Number	Kind Code	Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
	ΑF	3,993,754		Rahman et al.	Nov. 23, 1976	
	ΑG	4,008,209		Fujino et al.	Feb. 15, 1977	
	ΑH	4,016,100		Suzuki et al.	Apr. 5, 1977	
	ΑI	4,115,544		Shell	Sep. 19, 1978	
	ΑJ	4,224,179		Schneider	Sep. 23, 1980	
	AK	4,229,360		Schneider et al.	Oct. 21, 1980	
	ΑL	4,235,871		Papahadjopoulos et al.	Nov. 25, 1980	
	ΑM	4,263,428		Apple et al.	Apr. 21, 1981	
	AN	4,311,712		Evans et al.	Jan. 19, 1982	
	AO	4,348,384		Horikoshi et al.	Sep. 7, 1982	
	ΑP	4,370,349		Evans et al.	Jan. 25, 1983	
	AQ	4,396,630		Riedl et al.	Aug. 2, 1983	
	AR	4,411,894		Schrank et al.	Oct. 25, 1983	
	AS	4,419,348 *		Rahman et al.	Dec. 6, 1983	
	ΑТ	4,473,692		Miyasaka et al.	Sep. 25, 1984	
	ΑU	4,515,736		Deamer	May 7, 1985	- 1-2 - 1-2
	ΑV	4,522,803		Lenk et al.	June 11, 1985	
	AW	4,545,880		Miyasaka et al.	Oct. 8, 1985	
	ΑХ	4,610,868		Fountain et al.	Sep. 9, 1986	*******
	ΑY	4,721,612		Janoff et al.	Jan. 26, 1988	
	ΑZ	4,812,312		Lopez-Berestein et al.	. Mar. 14, 1989	7-7-4
	ВА	4,857,319		Crowe et al.	Aug. 15, 1989	*
	ВВ	4,952,408		Rahman	Aug. 28, 1990	
	ВС	4,981,968		Wall et al.	Jan. 1, 1991	· · · · · · · · · · · · · · · · · · ·
	BD	5,023,087	<u> </u>	Yau-Young	June 11, 1991	
	BE	5,077,057		Szoka, Jr.	Dec. 31, 1991	
	BF	5,112,837	Α	Burrows et al.	May 12, 1992	
	BG	5,145,684	A	Liversidge et al.	Sep. 8, 1992	
	ВН	5,162,532	A	Comins et al.	Nov. 10, 1992	
	ВІ	5,187,167	A	Hughes	Feb. 16, 1993	
	ВJ	5,247,089	A	Comins et al.	Sep. 21, 1993	7.7.32°
	ВК	5,352,789	A	Hinz	Oct. 4, 1994	
	BL	5,389,377	А	Chagnon et al.	Feb. 14, 1995	
	ВМ	5,391,745	A	Danishefsky et al.	Feb. 21, 1995	
	BN	5,415,867	A	Minchey et al.	May 16, 1995	
	ВО	5,422,344	A	Priel et al.	June 6, 1995	
	BP	5,424,073	A	Rahman et al.	June 13, 1995	
	BQ	5,447,936	A	Hausheer et al.	Sep. 5, 1995	
	BR	5,468,859	A	Fortunak et al.	Nov. 21, 1995	-

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^{*} A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

⁺ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2 of 6

Complete if Known					
Application Number	10/717,378				
Filing Date	November 19, 2003				
First Named Inventor	Rahman et al.				
Group Art Unit	1654				
Examiner Name	Russel, Jeffrey				
Attorney Docket Number	224491				

				
BS	5,475,108	Α	Comins et al.	Dec. 12, 1995
вт	5,496,830	Α	Shapiro et al.	Mar. 5, 1996
BU	5,504;102	Α	Agharkar et al.	Apr. 2, 1996
BV	5,527,913	Α	Hinz	June 18, 1996
BW	5,541,327	Α	Danishefsky et al.	July 30, 1996
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ΒZ	5,560,923	A	Rahman et al.	Oct. 1, 1996
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СS	5,859,022	Α	Hausheer et al.	Jan. 12, 1999
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CU	5,880,133	Α	Hausheer et al.	Mar. 9, 1999
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CY	5,916,596	Α	Desai et al.	June 29, 1999
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DG	6,015,901	Α	Kawaguchi et al.	Jan. 18, 2000
 DH	6,046,159	Α	Hausheer et al.	Apr. 4, 2000

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First Named Inventor	Rahman et al.				
Group Art Unit	1654				
Examiner Name	Russel, Jeffrey				
Attorney Docket Number	224491				
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DI	6,056,973	Α	Allen et al.	May 2, 2000	
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DF	6,291,676	B1	Burke et al.	Sep. 18, 2001	
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E A	60/247,306		Rahman et al.		Nov. 9, 2000
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Examiner Initials	Doc. No.	Office	Application or Patent Number	Kind Code	Name of Patentee or Applicant	Date of Publication	Yes	No*+
	ED	WO	83/03383	A1	The Liposome Co., Inc.	Oct. 13, 1983		
	EE	WO	86/01103	A1	The Liposome Co., Inc.	Feb. 27, 1986		
	EF	WO	93/18751	A1	Georgetown University	Sep. 30, 1993		
	EG	WO	95/08386	A1	Smithkline Beecham Corp.	April 6, 1995		
	ΕH	WO	96/11669	A1	Pharmacia, Inc.	April 25, 1996		
	ΕI	wo	98/17256	A1	Kirpotin	April 30, 1998		
	EJ	WO	99/13816	A2	Nexstar Pharmaceuticals, Inc.	March 25, 1999		
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	EL	WO	00/23052	A1	ALZA Corp.	April 27, 2000		
	EM	WO	02/00168	A2	Supergen, Inc.	Jan. 3, 2002		
	ΕN	wo	02/058622	A2	Neopharm, Inc.	Aug. 1, 2003		
	ΕO	WO	03/030864	A1	Neopharm, Inc.	Apr. 17, 2003		
	EP	wo	03/103596	A2	Imarx Therapeutics, Inc.	Dec. 18, 2003		
	EQ	wo	04/017940	A3	Neopharm, Inc.	Mar. 4, 2004		
	ER	wo	04/035032	A2	Neopharm, Inc.	. April 29, 2004		

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	Examiner Signature	Date Considered
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Complete if Known		
Application Number	10/717,378	
Filing Date	November 19, 2003	
First Named Inventor	Rahman et al.	
Group Art Unit	1654	
Examiner Name	Russel, Jeffrey	-
Attorney Docket Number	224491	

Initials	No.	(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Yes	No*+
	ES	AKHTAR et al., Journal of Controlled Release, 22: 47-56 (1992)		
	ΕT	ALLEN et al., Biochimica et Biophysica Acta, 981(1): 27-35 (May 19, 1989)		
	ΕU	ALLEN et al., Cancer Research, 52: 2431-2439 (May 1, 1992)		
	EV	BLUME et al., Biochimica et Biophysica Acta, 1029(1): 91-97 (Nov. 2 1990)		
	EW	BURKE et al., Journal of the American Chemical Society, 114(21): 8318-8319 (Oct. 7,1992)		
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	EY	BURRIS et al., Journal of the National Cancer Institute, 84(23), No. 23: 1816-1820 (Dec. 2, 1992)		
	ΕZ	CAVALETTI et al., Toxicology Letters, 118: 103-107 (2000)		
	FA	Cecil Textbook of Medicine, 15 th Edition, Vol. 1: 396-399, 475-479 and 817-821 (1997)		
	FB	CHAKRABARTI et al., Biochimica et Biophysica Acta, 1108(2): 233-239 (1992)		
	FC	CLEMENTS et al., Cancer Chemother Pharmacol, 44: 411-416 (1999)		
	FD	CROMMELIN et al., Pharmaceutical Research, 4: 159-163 (July 1984)		
	FE	CROWE et al., Archives of Biochemistry And Biophysics, 220(2): 477-484 (Feb.1983)		
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	FG	CROWE et al., Biochimica et Biophysica, 769: 151-159 (1984)		
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	FI	CROWE et al., Archives Biochemistry And Biophysics, 242(1): 240-247 (Oct. 1985)		
	FJ	DAOUD et al., Cancer Research, 49: 2661-2667 (1989)		
	FK	DEAMER et al., <i>Liposomes,</i> (Ostro, eds), 27-51 (Marcel Dekker, Inc., New York, NY, 1983)		
	FL	DRUCKMANN et al., Biochimica et Biophysica Acta, 980(2): 381-384 (1989)		
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	FN	EMERSON et al., Pharmaceutical Science & Technology Today, 3(6): 205-209 (June 2000)		
	FO	ERICKSON-MILLER et al., Cancer Chemother Pharmacol, 39: 467-472 (1997)		
	FP	FAN et al., Cancer Research, 50: 3619-3626 (Jun. 15, 1990)		
	FQ	FORSSEN et al., Biochemical And Biophysical Research Communications, 91(4): 1295-1301 (Dec. 28, 1979)		
	FR	FORSSEN et al., Cancer Research, 43: 546-550 (1983)		
	FS	FORSSEN et al., Cancer Research, 52: 3255-3261 (1992)		
	FT	FRY et al., Analytical Biochemistry, 90: 809-815 (1978)		
	FU	GABIZON et al., <i>Proc. Natl. Acad. Sci. USA, 85:</i> 6949-6953 (Sep. 1988)		
	F۷	GABIZON et al., Cancer Research, 50: 6371-6378 (Oct. 1, 1990)		
	FW	GARCIA-CARBONERO et al., Clinical Cancer Research, 8: 641-661 (Mar. 2002)		
	FΧ	GIOVANELLA et al., Science, 246(4933): 1046-1048 (Nov. 24, 1989)		
	FY	GIOVANELLA et al., Cancer Research, 51: 3052-3055 (Jun. 1, 1991)		
	FZ	GOKHALE et al., British Journal of Cancer, 74: 43-48 (1996)		
	GA	GREEN CROSS CORPORATION, Chemical Abstracts., 97:11851g: (1982)		1
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Examiner Signature	Date Considered
Examiner Signature	Date Considered

^{*} A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

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Substitute for form 1449A/B/PTO

Sheet

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

of

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Complete if Known

Application Number 10/717,378

Filing Date November 19, 2003

First Named Inventor Rahman et al.

Group Art Unit 1654

Examiner Name Russel, Jeffrey

Attorney Docket Number 224491

	GC	GROCHOW et al., Drug Metabolism and Disposition, 20(5): 706-713 (1992)	
	GD	GUICHARD et al., Clinical Cancer Research, 4: 3089-3094 (Dec. 1998)	
	GE	HARDMAN et al., Anticancer Research, 19: 2269-2274 (1999)	
	GF	HARDMAN et al., British Journal of Cancer, 81(3): 440-8 (Oct. 1999)	
	GG	HILLERY, Advanced Drug Delivery Reviews, 24(2 & 3): 345-363 (1997)	
	GH	HONG et al., J. Med. Chem., Computer Search Listing Abstract (May 1990)	
	GI	HONG et al., Cancer Research, Computer Search Listing Abstract (Jul. 15, 1990)	
	GJ	HSIANG et al., Cancer Research, 48: 1722-1726 (Apr. 1, 1988)	
	GK	HUANG et al., Cancer Research, 52: 5135-5143 (Oct. 1, 1992)	
	GL	INNOCENTI et al., Drug Metabolism & Dispositions, 29(4): 596-600 (2001)	
	GM	JANOFF et al., Journal of Liposome Research, 3(3): 451-471 (1993)	
	GN	JANSEN et al., International Journal of Cancer, 70(3): 335-340 (Jan. 27, 1997)	
	GO	JETT et al., Methods in Enzymology, 141: 459-466 (1983)	
	GP	KAWATO et al., Cancer Research, 51(16): 4187-91 (Aug. 15, 1991)	
	GQ	KAWATO et al., Cancer Chemotherapy and Pharmacology, 28(3): 192-198	
		(1991)	
	GR	KILLION et al., Journal of the National Cancer Institute, 81(18): 1387-1392 (Sep. 6,	-
		1989)	
	GS	KNOTTING et al., Cancer-Chemother-Pharmacol., Computer Search Listing Abstract	
		(1992)	
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Examiner Signature	Date Considered	
Examinor orginature	Date Considered	
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^{*} A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

⁺ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

6 of 6

	Complete if Known	
Application Number	10/717,378	
Filing Date	November 19, 2003	
First Named Inventor	Rahman et al.	
Group Art Unit	1654	
Examiner Name	Russel, Jeffrey	
Attorney Docket Number	224491	

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